

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE:

DATE:

MAR 31 1976

MATTER OF: B-184045

Robert G. Sellers - Home Service
Transfer Allowance

DIGEST:

Appeal of former employee of the Agency for International Development (AID) for a home service transfer allowance is denied under Regulation 254.2, Standardized Regulations, as the employee did not remain with AID for a minimum of 6 months after returning to the United States as required by the regulation.

This action concerns an appeal from the settlement certificate issued on April 16, 1975, by our Transportation and Claims Division (now Claims Division) which disallowed the claim of Mr. Robert G. Sellers for payment of a home service transfer allowance. The claim arose incident to a transfer from Bangkok, Thailand, to Washington, D.C., while Mr. Sellers was an employee of the Agency for International Development (AID).

The record shows that Mr. Sellers was transferred from Bangkok to Washington D.C., with deferred home leave, by Travel Authorization No. THA-74-249, dated March 7, 1974. Two and one-half months after his return from Thailand Mr. Sellers terminated his employment with AID to accept a position with the Veterans Administration. In connection with his transfer to Washington, D.C., Mr. Sellers signed a home service transfer agreement which states as follows:

"In the event I separate from A.I.D. foreign service for personal reasons not acceptable to the Agency prior to completing six months of service in the United States following home leave, I must repay the salary received during the home leave period, the home service transfer allowance (including the temporary lodging portion thereunder) granted in connection with my assignment, and the excess costs, if any, for travel to home leave residence rather than separation residence. Funds covering payment of annual leave to my credit will be applied to such repayment. If the amount to be repaid exceeds any funds for this annual leave credit, any other monies

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due me from the Government may be applied to such repayment. If the funds for annual leave to my credit combined with all other monies due from the Government are inadequate to cover such repayment I will be required to pay the balance due."

On June 3, 1974, Mr. Sellers filed a Foreign Allowance Application with AID for reimbursement of \$752.64 for lodging expenses and \$175 for a transfer allowance. This claim was denied by the Director, Office of Personnel and Manpower, AID, on the basis of Regulation 254 of the Standardized Regulations and a determination that there was insufficient justification for a waiver of this regulation. Regulation 254.2 states as follows:

"254.2 Refund of Grant

"An employee who has been paid a home service transfer allowance shall refund to the agency the total amount received as such allowance if he voluntarily separates (Sec. 040r) within six months from the date of his entrance on duty at his post in the United States, unless the head of agency determines in writing that it is appropriate to waive the refund."

Mr. Sellers in requesting reconsideration of our Transportation and Claims Division (now Claims Division) settlement points out that the home service transfer agreement which he signed is predicated upon the taking of home leave. He further states that "such wording is included to preclude an employee's taking home leave (an expensive program for the Agency) and then precipitously leaving the Agency."

The precise wording of the home transfer agreement signed by Mr. Sellers is immaterial to the resolution of this appeal. The home service transfer agreement is an agreement to repay salary received during home leave and the home service transfer allowance including temporary lodging expenses if an employee leaves the agency within 6 months of his transfer. Since the record

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In this case shows that no funds were advanced to the employee, the agreement has no applicability.

Regulation 254.2 of the Standardized Regulations, quoted above, precludes the payment of a home service transfer allowance when an employee voluntarily separates from the agency within 6 months of arrival at his duty post in the United States. We are unaware of any other regulation under which this claim may be paid.

Accordingly, the action taken in our Transportation and Claims Division (now Claims Division) in disallowing Mr. Seller's claim is affirmed.

R. F. Keller

Deputy Comptroller General
of the United States